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REMARKS

Reconsideration and allowance are respectfully requested. Claims 1-13 are currently pending and stand rejected. No new matter has been added.

§ 103 rejections

Claims 1 and 3-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,366,962 to Subbiah et al. ("Subbiah"). Applicant respectfully traverses this rejection.

The Office Action admitted that Subbiah fails to teach the use of packet identifiers, but asserted that it would have been obvious to use packet identifiers "because such an arrangement would enable the receiver to know with which previously transmitted packets currently re-transmitted packets should be combined to correct errors" (p. 3). Applicant respectfully disagrees.

Figures 2a and 2b of Subbiah show mini packets having a MINI-IP header 202 with a channel identifier (CID) 210, a length indicator (LI) 212, and a sequence number (SN) 214. The CID field identifies a given user among multiple users sharing a single connection, while the LI field indicates the size of a given packet and the SN field indicates any packet loss (col. 5, lines 30-58). Mini-packets traveling to the same destination are assembled together into a single payload, as shown in Figure 3, before being transmitted to a given node or a local user (Figure 6; col. 6, lines 32-36; col. 7, lines 3-30).

Contrary to the Office Action's assertion, there is no motivation to modify Subbiah to include the claimed encoder packet identifier. Subbiah focuses exclusively on multiplexing mini-packets belonging to several users before being sending the payload out on an outgoing link; thus, the MINI-IP header contains only information identifying a user and a connection associated with the user (col. 3, lines 4-8 and lines 33-40). The CID identifies the user of a given mini packet, allowing multiple users to share a single connection (col. 5, lines 61-65). Subbiah does not discuss how mini-packets are assembled together to a single packet at any given user destination.

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Nothing in Subbiah even mentions re-transmitting packets. Instead, Subbiah assumes that all mini packets in a payload will successfully reach a given destination node or user. As can be seen in Figure 6, there is never a case where previously transmitted packets are combined with currently-retransmitted packets. Instead, Subbiah assumes that all mini packets having the same destination, regardless of whether they belong to the same packet, will be combined into the payload before being transmitted to the next node. Subbiah focuses only on the destination node or the user in grouping mini packets together and, as admitted by the Office Action, does not include any information for identifying the packets themselves for grouping associated mini packets together (col. 7, lines 10-30).

There is no reason for Subbiah to include an encoder packet identifier because all packets that are to be transmitted in a given payload are transmitted at the same time. Once the mini packets reach a node, they are separated and re-assembled based on their next destinations, not based on which packet they belong to. Thus, one of ordinary skill in the art would not have considered it necessary to include the encoder packet identifier because there is never a case in Subbiah where a node or a user combines mini packets from a transmission and a re-transmission.

"The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01. As noted above, Subbiah does not suggest the desirability of including a packet identifier of any kind because Subbiah groups mini packets together solely by destination and does not even mention re-transmission, much less recognize any reason for including packet identifiers to identify sub-packets belonging to the same packet as asserted by the Office Action. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 1 and 3-5, and withdrawal of the rejection is respectfully requested.

Claims 2 and 6-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Subbiah in view of U.S. Patent No. 6,359,877 to Rathonyi et al. ("Rathonyi"). Applicant respectfully traverses this rejection.

Claims 2 and 6-10 depend on patentable claim 1 and are therefore patentable for the reasons explained above. Independent claim 11 recites the encoder packet identifier, and

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therefore claims 11-13 are also patentable for the reasons explained above. There is no motivation to combine Subbiah with Rathonyi because, as noted above, Subbiah does not even mention packet retransmission or include any provisions for handling retransmissions. Thus, one of ordinary skill in the art would not have had any reason to consider indicating whether a given packet is a first transmission or a retransmission as taught in Rathonyi. The Office Action therefore fails to establish a prima facie case of obviousness with respect to claims 2 and 6-10, and withdrawal of the rejection is respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,




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CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, (703) 872-9306, on May 25, 2004.



Beth A Beard